

Hon. Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ESTHER HOFFMAN; et al.,

Plaintiffs,

vs.

TRANSWORLD SYSTEMS  
INCORPORATION; et al.,

Defendants.

No. 2:18 cv 1132-TSZ

STIPULATED MOTION AND  
ORDER SETTING SCHEDULE FOR  
DEFENDANTS TO AMEND  
AFFIRMATIVE DEFENSES AND  
ANY RELATED MOTION TO  
STRIKE

**I. STIPULATED MOTION**

Pursuant to LCR 7(d)(1) and LCR 10(g), Plaintiffs and Defendants stipulate to and jointly request the Court to enter an order setting a schedule for Defendants to file amended answers revising their affirmative defenses and for Plaintiffs to file any motion to strike the revised affirmative defenses. In support of this motion, the parties stipulate as follows:

1. The Court set a date of March 23, 2021, as the deadline for Defendants to file their respective responses to Plaintiffs' Second Amended Complaint. Dkt. #127.

2. Defendants filed their answers on March 23, 2021. Dkt. #139 (Defendants Cheung and Patenaude & Felix APC); Dkt. # 140 (Trust Defendants); Dkt. #141 (Transworld Systems Incorporated). Each of the answers included affirmative defenses.

3. Plaintiffs have filed a motion for leave to file a motion to strike affirmative defenses contained in the answers. Dkt. #147. Their filing included the proposed motion to strike. Dkt. #148.

4. The parties have met and conferred and have agreed that (a) Plaintiffs will withdraw their motion for leave; (b) Defendants shall file amended answers containing revised affirmative defenses by not later than 21 days after entry of an order approving this stipulation; (c) if Plaintiffs seek to strike any of the revised affirmative defenses, they shall file a motion to strike under CR 12(f) by not later than 21 days after the amended answers are filed; and (d) any motion to strike will be noted for the fourth Friday after the motions are filed under LCR 7(d)(3).

SO STIPULATED this 11th day of May, 2021.

SO STIPULATED:  
Attorneys for Plaintiffs

By /s Sam Leonard  
Sam Leonard  
Leonard Law  
3614 California Ave. SW, #151  
Seattle, WA 98116  
(206) 486-1176  
sam@seattledebtdefense.com

SO STIPULATED:  
Attorneys for the National Collegiate  
Student Loan Trust Defendants

By /s Tim J. Filer  
Tim J. Filer  
Foster Garvey PC  
1111 Third Ave, Ste 3000  
Seattle, WA 98101  
(206) 447-4400  
tim.filer@foster.com

By: /s/ Christina L. Henry

Christina L. Henry  
Henry & DeGraaff, P.S.  
787 Maynard Ave S  
Seattle, Wa 98104  
(206) 330-0595  
chenry@hdm-legal.com

By: /s/ Guy W. Beckett

Guy W. Beckett  
Berry & Beckett, PLLP  
1708 Bellevue Avenue  
Seattle, WA 98122  
(206) 441-5444  
gbeckett@beckettllaw.com

By: /s/ Amanda Martin

Amanda Martin  
Northwest Consumer Law Center  
936 N. 34th St, Ste 300  
Seattle, WA 98103  
(206) 805-0989  
amanda@nwclc.org

SO STIPULATED:

Attorneys for Defendant Transworld  
Systems Incorporated

By: /s/ Justin Homes

Justin Homes  
Bryan C. Shartle  
Sessions Fishman Nathan & Israel, LLP  
3850 N. Causeway Blvd, Ste 200

Gregory T. Casamento  
R. James DeRose, III  
Locke Lord, LLP  
Brookfield Place  
200 Vesey St, 20th Flr  
New York, NY 10281-2101  
(212) 812-8325  
gcasamento@lockelord.com  
rderose@lockelord.com

J. Matthew Goodin  
Locke Lord, LLP  
111 S. Wacker Dr, Ste 4100  
Chicago, IL 60606  
(312) 443-0472  
jmgoodin@lockelord.com

SO STIPULATED:

Attorneys for Defendants Matthew  
Cheung and Patenaude & Felix, APC

By: /s/ Marc Rosenberg

Marc Rosenberg  
Lee Smart, P.S., Inc.  
1800 One Convention Place  
701 Pike Street  
Seattle, WA 98101-3929

Metairie, LA 70002-7227  
(504) 828-3700  
bshartle@sessions.legal  
jhomes@sessions.legal

(206) 624-7990  
mr@leesmart.com

James K. Schultz  
Sessions Fishman Nathan & Israel, LLP  
1545 Hotel Circle S., Ste 150  
San Diego, CA 92108  
(619) 758-1891  
jschultz@sessions.legal

Ryan W. Vollans  
Williams Kastner & Gibbs, PLLC  
601 Union St, Ste 4100  
Seattle, WA 98101-2380  
(206) 628-6600  
rvollans@williamskastner.com

## II. ORDER GRANTING STIPULATED MOTION

The Court having considered the stipulation and joint request of the parties and being fully informed,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs' Motion for Leave to File Motion to Strike (Dkt. #147) is removed from the calendar;


2. Defendants shall file amended answers with revised affirmative defenses on or before June 3, 2021;

3. Plaintiffs shall file any motion to strike regarding the revised affirmative defenses not later than 21 days after the amended answers are filed; and

4. Any such motion to strike shall be noted for consideration on the fourth Friday after the motion is filed.

Dated this 14th day of May, 2021

The Clerk is directed to send a copy of this Order to all counsel of record.

  
Thomas S. Zilly  
United States District Judge

Presented by:

FOSTER GARVEY PC

/s/ *Tim J. Filer*

Tim J. Filer, WSBA #16285  
1111 Third Avenue, Ste. 3000  
Seattle, WA 98101

Telephone: 206-447-2904

Email: [tim.filer@foster.com](mailto:tim.filer@foster.com)